

Todd M. Leventhal, Esq.
Leventhal and Associates, PLLC
Nevada Bar No. 223577
626 South Third Street
Las Vegas, Nevada 89101
leventhalandassociates@gmail.com
(702) 472-8686

Counsel for Petitioner David Bird

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

David Bird,

Defendant.

Case No. 2:13-cr-00088-APG-CWH

**Second Stipulation to Continue
Deadline for Optional Reply to
Response (ECF No. 68) to Motion
to Vacate (ECF No. 67)**

The parties jointly request that David Bird's optional reply to the government's response to Bird's motion to vacate be continued from August 28, 2020, to September 28, 2020, because:

1. On June 19, 2020, David Bird moved, under 28 USC § 2255, to vacate his 2015 conviction and 105-month sentence for being a felon in possession of a firearm.
2. Bird's petition rests on the Supreme Court's decision in *Rehaif v. United States*, which was issued one year earlier, on June 19, 2019.
3. The government timely opposed Bird's motion, and Bird's optional reply brief is currently due August 28, 2020.

1 4. Counsel was able to meet with Bird, on August 24, 2020, to further
2 discuss the possible risks and benefits and to confirm that Bird still
3 wished to proceed with the motion. Bird wishes to proceed and
4 Counsel will need additional time to file a reply in support of the
5 petition.

6 Dated August 25, 2020

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9 Todd M. Leventhal, Esq.
10 Leventhal and Associates, PLLC

Nicholas A. Trutanich
United States Attorney

11 By /s/ Todd M. Leventhal

By /s/ Elizabeth White

12 Todd M. Leventhal
13 Counsel for David Bird

Elizabeth White
Chief, Appellate Division

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that (s)he is an employee in the office of Leventhal and Associates, PLLC., and is a person of such age and discretion as to be competent to serve papers.

In accordance with the Federal Rules of Procedure, I certify that on this date, August 25, 2020, I electronically filed the foregoing with the Clerk of the court for the United States District Court by using the CM/ECF system. I further certify that counsel for petitioner are registered and listed participant with CM/ECF system and that service of this pleading will be accomplished via CM/ECF system.

/s/ Maribel Godinez
Employee of Leventhal and Associates, PLLC.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 United States of America,
5 Plaintiff,

6 v.

7 David Bird,
8 Defendant.

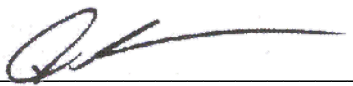
Case No. 2:13-cr-00088-APG-CWH

**Order Granting Second
Stipulation to Continue Deadline
for Optional Reply to Response
(ECF No. 68) to Motion to Vacate
(ECF No. 67)**

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10 Based on the pending stipulation, the Court finds that good cause exists to
11 continue the deadline for Bird's optional reply to the government's response to his
12 motion to vacate under 28 U.S.C. § 2255.

13 IT IS THEREFORE ORDERED that Bird's optional reply brief is due
14 September 28, 2020.

15 Dated August 25, 2020

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18 Andrew P. Gordon
19 United States District Judge
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